

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

BEVERLY ANN JACKSON-MCDONALD,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 4:20-CV-1291 CDP
	)	
MERS GOODWILL INDUSTRIES,	)	
	)	
Defendant.	)	

**MEMORANDUM AND ORDER**

This matter is before the Court upon review of the file. Plaintiff initiated this case on September 21, 2020, by filing a complaint and a motion for leave to proceed *in forma pauperis*. On December 22, 2020, the Court granted the motion and reviewed the complaint pursuant to 28 U.S.C. § 1915(e)(2). ECF No. 7. The Court found that plaintiff had not adequately alleged claims to withstand review under 28 U.S.C. § 1915(e)(2). However, because plaintiff is self-represented, the Court gave her an opportunity to cure her pleading deficiencies by filing an amended complaint. In the Order directing amendment, the Court clearly explained why the complaint was subject to dismissal, gave plaintiff clear instructions about how to prepare the amended complaint, and cautioned her that failure to timely comply with the Order would result in dismissal.


Plaintiff's response was due by January 21, 2021. To date, however, plaintiff has neither responded to the Court's order, nor sought additional time to do so. Plaintiff was given meaningful notice of what was expected, she was cautioned that her case would be dismissed if she failed to timely comply, and she was given ample time to comply. Therefore, this action will be dismissed without prejudice due to plaintiff's failure to comply with the Court's December 22, 2020 Order and her failure to prosecute his case. *See* Fed. R. Civ. P. 41(b); *see also Link v. Wabash R.R. Co.*,

370 U.S. 626, 630-31 (1962) (“The authority of a court to dismiss sua sponte for lack of prosecution has generally been considered an ‘inherent power,’ governed ... by the control necessarily vested in courts to manage their own affairs so as to achieve the orderly and expeditious disposition of cases.”); *Dudley v. Miles*, 597 F. App’x 392 (8th Cir. 2015) (affirming dismissal without prejudice where self-represented plaintiff failed to file an amended complaint despite being cautioned that dismissal could result from failure to do so); *Brown v. Frey*, 806 F.2d 801, 803-04 (8th Cir. 1986) (a district court has the power to dismiss an action for the plaintiff’s failure to comply with any court order).

Accordingly,

**IT IS HEREBY ORDERED** that this case is **DISMISSED** without prejudice. A separate order of dismissal will be entered herewith.

**IT IS HEREBY CERTIFIED** that an appeal from this dismissal would not be taken in good faith.

  
CATHERINE D. PERRY  
UNITED STATES DISTRICT JUDGE

Dated this 10th day of February, 2021.